

APPENDIX II

**LAW OF THE STATE OF DELAWARE, CHAPTER LXXV
"AN ACT FOR REGULATING INN-HOLDERS, TAVERN KEEPERS, AND
OTHER PUBLIC HOUSE-KEEPERS WITHIN THIS GOVERNMENT, AND
IMPOWERING THE JUSTICES TO SETTLE THE RATES OF LIQUORS," 1740**

Preamble.

For regulating inn-holders, tavern-keepers, and other public house-keepers within this government.

Section 1. BE it enacted by the honorable George Thomas, esq. by and with his Majesty's royal approbation, Lieutenant Governor and Commander in Chief of the counties of New-Castle, Kent, and Sussex, upon Delaware, and province of Pennsylvania, by and with the advice and consent of the Representatives of the freemen of the said counties, in General Assembly met, and by the authority of the same, That no person or persons within this government shall presume to keep any public house of entertainment, tavern, inn, ale-house, ordinary, or victualling-house, without obtaining by petition, a recommendation from the Justices of the Court of Quarter sessions, to be held in August term, in each county within this government, to his honor the Governor for the time being, for a licence for keeping the same, setting forth that the person so petitioning is a fit person and well qualified for keeping a tavern or house of entertainment.

Section 2. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor for the time being, and his Secretary, to take and receive for all licences to be granted, the same fees and perquisites as were usually paid before the making of this act.

Section 3. And be it enacted by the authority aforesaid, That no person or persons within this government, shall be recommended to the Governor by such justices as aforesaid, for a licence for keeping such public house, tavern, inn, or ordinary, without making first appear, to the satisfaction of the said justices, that such petitioner is well qualified for keeping the same, and hath neccessaries fit and suitable for the entertainment of travellers, and that the place or habitation of such petitioner is situate in a proper and convenient place and stage for the entertainment of travellers as aforesaid.

Section 4. And be it enacted by the authority aforesaid, That if any master or keeper of any such house of entertainment, tavern, ale-house or victualling-house shall suffer any person or persons whatsoever to continue drinking and tippling in his or her house at any unseasonable hours of the night, or suffer drunkenness, corrupt or unlawful gaming with cards, dice, or at other games, within his or her house, out-house, office, or any other place thereto belonging, every such master or owner of such house, upon complaint, and due proof thereof made before any one Justice of the Peace of the county where the offence shall be committed, or by the view of the said justice, shall, for the first offence, forfeit the sum of Twenty Shillings, to be levied, together with costs on the offender's goods and chattles, by distress and sale thereof, by warrant under the hand and seal of such justice, to be paid the one moiety thereof to the use of the poor of the hundred where such offence shall be committed, the other moiety to the informer; and for the second offence, upon complaint and due proof thereof made before any two justices of the said county, the offender shall forfeit any sum not exceeding Five Pounds, nor less than Forty Shillings, to be recovered, as aforesaid, by warrant under the hands and seals of the said justices, and applied and paid in like manner as aforesaid: And

for the third offence, upon due proof thereof made before any two justices as aforesaid, the offender shall have his or her house suppressed by order of the said two justices, and be disabled from keeping any such public house as aforesaid, for the space of three years next after such offence committed as aforesaid.

Section 5. And be it enacted by the authority aforesaid, That if any person or persons within this government shall presume, after the publication of this act, to keep any tippling-house, or sell or retail any wine by any less measure than half a gallon; rum, brandy, or any spirituous liquors, by any measure less than a quart; beer, ale, metheglin, perry or cyder, by any measure less than one gallon; punch, or any other mixed liquor, by any measure whatsoever, without licence as aforesaid; the person or persons so offending shall, for every such offence, forfeit and pay Five Pounds, to be recovered, together with costs, by the order of any Court of Quarter Sessions within this government where the offence is committed, upon conviction of the offender, by the presentment, bill, plaint, information, or confession of the party offending, to be paid to the Governor for the time being, towards the support of Government.

Section 6. And be it further enacted by the authority aforesaid. That if any master or keeper of any such public-house or houses, or tavern as aforesaid, shall after the publication of this act, presume to trust or give any credit to any minor or minors, every such master or keeper of such house or houses shall lose the whole sum or sums so trusted and credited, and is hereby precluded and debarred from suing for the same before any magistrate, or in any court within this government.

Section 7. And be it further enacted by the authority aforesaid, That if any person or persons who shall have been masters or keepers of any such public house or houses as aforesaid, and shall have his, her, or their houses suppressed for offending against this act in manner aforesaid, and after such suppression shall presume to retail any kind of strong or mixed liquors contrary to the intent and meaning of this act, and shall be thereof convicted in manner of other convictions, by virtue of this act the person or persons so offending shall, for every such offence, forfeit and pay the sum of Five Pounds, to be recovered, together with costs of prosecution, by presentment, bill, plaint, information or confession of the party offending, in any Court of Quarter Sessions for any county of this government where the offence shall be committed, and paid to the Governor for the time being, for the support of government.

Section 8. And be it further enacted by the authority aforesaid, That the Justices of the Peace in the respective counties within this government, during the sitting of the Quarter Sessions in the month of November in each year, are hereby empowered and required to make and settle such rates, prices and orders, on and for all sorts of liquors retailed by all masters and keepers of public houses of entertainment, as aforesaid, within the respective counties of this government, as to them shall appear to be just, meet and convenient; and that copies of all such rates, prices and orders shall, by such masters and keepers of public houses, be set up in the most public room or rooms of his, her or their houses, within ten days

next after the same shall be made and settled; and be truly complied with and conformed unto by all such masters or keepers of such licenced public houses, on the penalty of forfeiting the sum of Twenty Shillings for every such default made by such master or keeper of such licenced public houses, upon complaint and proof made as in this act before is directed, to be applied and paid, the one moiety thereof to the Overseers of the Poor of the town or hundred where the offender dwells, the other moiety to the informer.

Section 9. And be it further enacted by the authority aforesaid, That no Justice of the Peace, being himself an innholder, shall judge or determine concerning any matter or thing contained in this act, any thing herein contained to the contrary notwithstanding.

Section 10. And be it further enacted by the authority aforesaid, That all other acts of General Assembly of this government, heretofore made, for regulating of public houses, and for settling the rates and prices of liquors retailed therein, be and are hereby repealed, made null and void, any thing in the said acts contained to the contrary in any wise notwithstanding.